

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 v.

10 TIMOTHY SHELLY,
11 Defendant.
12

)
) No. CR-09-089-RHW

) ORDER GRANTING THE UNITED
) STATES' MOTION FOR DETENTION

) ☒ MOTION GRANTED
) (Ct. Rec. 9)
)
)

13 Date of bail hearing: **August 25, 2009.**

14 ☐ Defendant, personally and through counsel, waived the right to
15 a bail hearing.

16 ☒ The court has conducted a bail hearing pursuant to 18 U.S.C.
17 § 3142(f), and has considered the Pretrial Services Report and
18 proffers of the parties. The court, based upon the factual findings
19 and statement of reasons for detention hereafter set forth, and as
20 stated in court, finds the following:

21 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

22 ☐ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable
23 presumption that Defendant is a flight risk and a danger to the
24 community based on the nature of the pending charge. Application of
25 the presumption is appropriate in this case.

26 ☐ Defendant has a history of: ☐ Failures to appear
27 ☐ Failures to comply

28 ☐ Defendant has few or no ties to the community.

1 ☒ Defendant has a ☐ significant criminal history.

2 ☐ Defendant has an outstanding warrant(s).

3 ☒ Defendant does not have a suitable residence: *that has been*

4 ☐ Defendant appears to suffer from chemical dependency. *confirmed.*

5 ☐ The Grand Jury has found probable cause.

6 ☒ Other: *The charges are very serious.*

7 *Practical Service is directed to prepare*

8 *a Supplemental Report as to the*

9 *residence plans proffered by defendant*

12 ☒ The court finds the Defendant is not supervisable.

13 ☒ By a preponderance of the evidence there are no conditions or
14 combination of conditions other than detention that will reasonably
15 assure the appearance of Defendant as required.

16 ☐ By clear and convincing evidence there are no conditions or
17 combination of conditions other than detention that will ensure the
18 safety of the community.

19 ☐ Defendant is currently on probation/supervision resulting from
20 a prior offense.

21 ☐ Bureau of Immigration and Customs Enforcement Detainer.

22 **IT IS ORDERED:**

23 1. Defendant shall be held in detention pending disposition
24 of this case or until further order of the court. If Defendant
25 waived a bail hearing, or should circumstances change, Defendant may
26 petition the court to reopen the detention issue by written motion
27 to amend and request for hearing, served upon the United States
28 Attorney.

2. Defendant is committed to the custody of the U.S. Marshal for confinement separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

3. Defendant shall be afforded reasonable opportunity for private consultation with counsel.

4. If the Defendant seeks review of this Order pursuant to 18 U.S.C. § 3145(b), attorney for Defendant shall file a written motion for revocation or amendment of this Order within ten (10) days before the district judge to whom this case is assigned and note it for hearing at the earliest possible date. Both parties are responsible to ensure the motion is determined promptly.

DATED August 25, 2009.

CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE